

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOHN DAVID McBRIDE,

Plaintiff,

v.

Civil Action No. **3:11CV169**

GEORGE HINKLE, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, submitted this action and requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). McBride has at least three other actions that have been dismissed as frivolous or for failure to state a claim. *See, e.g., McBride v. State of Va. Penal System*, No. 3:03cv00690 (E.D. Va. July 9, 2004); *McBride v. Dotson*, No. 3:03cv00071 (E.D. Va. Aug. 25, 2003); *McBride v. Commonwealth Attorney's Office*, No. 3:03cv00172 (E.D. Va. July 2, 2003). McBride's current complaint does not suggest that McBride is in imminent danger of serious physical harm. Accordingly, by Memorandum Order entered on May 12, 2011, the Court denied McBride's request to proceed *in forma pauperis* and directed McBride to pay the full filing fee within eleven (11) days of the date of entry thereof.

An appropriate Order shall issue.

/s/
James R. Spencer
Chief United States District Judge